

EXHIBIT 3

DRAWING PAGE

PRETZEL CRISPS



12-11-2009

U.S. Patent & TMDc/TM Mail Rept. Dt. #51

U.S. Patent & TMDc/TM Mail Rept. Dt. #51



76700802

DRAWING PAGE

76700802

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/11/2009 SWILSON1 00000041 023979 76700802

01 FC:6001 375.00 DA

PTO-1555
(5/87)

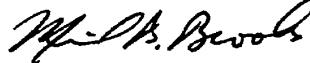
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re ser. no: TBD
Trademark: PRETZEL CRISPS
Filed: December 9, 2009
Owner: Princeton Vanguard, LLC

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Authorization is hereby given by the undersigned to charge the amount of \$375 USD for filing the above-cited US trademark application to Deposit Account No. 02-3979. Authorization is hereby given by the undersigned to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Dated: 09 December 2009

By 
Michael Blaine Brooks

MICHAEL BLAINE BROOKS, P.C.
P.O. Box 1630
Simi Valley, CA 93062-1630
P: 805.579.2500
F: 805.584.6427

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re ser. no: TBD
Trademark: PRETZEL CRISPS
Filed: December 9, 2009
Applicant: Princeton Vanguard, LLC

TRANSMITTAL COVER PAGE

The following transmission includes:

1. Transmittal Cover Page, 1 p.
2. Trademark Application, 3 pp.
3. Authorization to Charge Deposit Account, 1 p.
4. Drawing Page, 1 p.
5. Statement of Use Declaration, 2 pp.
6. Signature Authorization, 1 p.
7. Amendment to 2(f) and Declaration, 9 pp.
8. Exhibits 1-9, 275 pp.
9. Postcard

Dated: 09 December 2009

By 
Michael Blaine Brooks

MICHAEL BLAINE BROOKS, P.C.
P.O. Box 1630
Simi Valley, CA 93062-1630
P: 805.579.2500
F: 805.584.6427

Attorney for Applicant

~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~

~To the Commissioner for Trademarks~

<APPLICANT INFORMATION>

<Name> Princeton Vanguard, LLC
<Street> 11 Tamarack Circle
<City> Skillman
<State> NJ
<Country> US
<Zip/Postal Code> 08558-2019
<Telephone Number> 609-683-5400
<Fax Number>
<e-Mail Address> Warren@pretzelcrisps.com

<APPLICANT ENTITY INFORMATION> *Select only ONE~*

<Individual: Country of Citizenship>
<Corporation: State/Country of Incorporation>
<Partnership: State/Country under which Organized>
 <Name(s) of General Partner(s) & Citizenship/Incorporation>

<Other Entity Type: Specific Nature of Entity> Limited Liability Company
 <State/Country under which Organized> Delaware, US

<TRADEMARK/SERVICE MARK INFORMATION>

<Mark>
 PRETZEL CRISPS

The mark may be registered in standard character format or in special form. Applicant must specify whether registration is sought for the mark in standard character format or in a special form by entering "YES" in the appropriate space below.

<Standard Character Format> The mark is presented in standard character format without claim to any particular font style, size or color.

Enter YES, if appropriate Yes

<Special Form Drawing> Enter YES, if appropriate _____

ATTACH a separate piece of paper that displays the mark you want to register (a "drawing" page), even if the mark is simply a word or words. Display only the exact mark you want to register on the additional piece of paper. Do not display advertising material or other matter that is not part of the mark. Please see additional HELP instructions.

PTO Form 1478 (REV. 01/05)
OMB Control No. 0651-0009 (Exp. 12/31/2011)

U.S. DEPARTMENT OF COMMERCE/ Patent and Trademark Office
There is no requirement to respond to this collection of information unless a currently valid OMB number is displayed.

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<Use in Commerce: Section 1(a)>~Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. § 1051(a).~

<International Class Number(s)> IC030

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

Pretzel Crackers

<Date of First Use Anywhere> October 6, 2004

<Date of First Use in Commerce> October 6, 2006

~Submit one (1) SPECIMEN for each international class showing the mark as used in commerce.~

<Intent to Use: Section 1(b)>~Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. § 1051(b).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<Foreign Priority: Section 44(d)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<Country of Foreign Filing>

<Foreign Application Number>

<Date of Foreign Filing>

<Foreign Registration: Section 44(e)>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods/services based on registration of the mark in applicant's country of origin.~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<Country of Foreign Registration>

<Foreign Registration Number>

<Foreign Registration Date>

<Foreign Registration Renewal Date>

<Foreign Registration Expiration Date>

~Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. § 1126(e).~

<FEE INFORMATION>

\$375.00 x <Number of Classes>	= <Total Filing Fee Paid>	\$375.00
--------------------------------	---------------------------	----------

<SIGNATURE INFORMATION>

~ Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the above-identified goods and/or services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods and/or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

~Signature~ See attached Handwritten Declaration

<Date> November 14, 2009

<Name> Warren Wilson

<Title> Manager

<CONTACT INFORMATION>

<Name> Michael Blaine Brooks

<Company/Firm Name> Michael Blaine Brooks, P.C.

<Street> P.O. Box 1630

<City> Simi Valley

<State> CA

<Country> US

<Zip/Postal Code> 93062-1630

<Telephone Number> 805.579.2500

<Fax Number> 805.584.6427

<e-Mail Address> michael@brooksiplaw.com

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental Register, and provides notice of an applicant's claim of ownership of the mark, or bona fide intent to use the mark in commerce. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental Register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing this information will require an estimated seventeen to twenty-three minutes. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number. (See bottom left side of this form)

TRADEMARK IU

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark : PRETZEL CRISPS
Serial No. : TBD
Applicant : Princeton Vanguard, LLC
Docket No. : PVG0906TM

**STATEMENT OF USE UNDER 37 CFR § 2.88
WITH DECLARATION**

The Applicant is using the mark in commerce on or in connection with the following goods:

Pretzel crackers, IC030.

The mark was first used in connection with the goods at least as early as:
October 6, 2004, and was first used in commerce at least as early as:
October 6, 2004, and is now in use in commerce. One specimen showing the mark
as actually used is presented herewith.

No claim is made to the exclusive right to us "PRETZEL" apart from the mark as shown.

The Applicant is owner of U.S. trademark registration 2,980,303, and U.S. serial number
77/192,054.

The undersigned believes the applicant to be entitled to use such mark in
commerce; to the best of his/her knowledge and belief no other person, firm, corporation,
or association has the right to use the mark in commerce, either in the identical form
thereof or in such near resemblance thereto as to be likely, when used on or in connection

MBBPC111709PVG0906TM

1

with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Statement of Use as the owner or on behalf of the owner of the mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date 11/17/09 By Warren Wilson
Print Name

Name Warren Wilson Title President
Signature

TRADEMARK DECLARATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

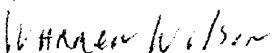
Mark	:	PRETZEL CRISPS
Goods/services	:	IC030, Pretzel crackers
Serial No.	:	TBD
Applicant	:	Princeton Vanguard, LLC
Docket No.	:	PVG0906TM
Filing Date	:	TBD

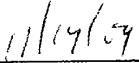
DECLARATION UNDER C.F.R. §§2.20, 2.33

STATEMENTS: The undersigned is properly authorized to execute this application on behalf of the applicant; the undersigned believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), §1126(d) or §1126(e), the undersigned believes the applicant to be entitled to use the mark in commerce; the applicant is using the mark shown in the drawing; that, as of the application filing date, the mark is in use in commerce and was in use in commerce on or in connection with the specified goods and/or services listed in the application; that, as of the application filing date, applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods and/or services listed in the application; that the facts set forth in the application are true and correct; that to the best of the undersigned's knowledge and belief no other person, firm, corporation or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive.

DECLARATION: The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of the undersigned's own knowledge are true; and all statements made on information and belief are believed to be true.


(Signature)


(Print or Type Name and Position)


(Date)

MBBPC111309PVG0906TM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

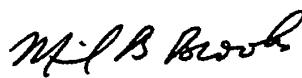
In re ser. no: TBD
Trademark: PRETZEL CRISPS
Filed: December 9, 2009
Owner: Princeton Vanguard, LLC

AMENDMENT OF APPLICATION TO §2(f)

Applicant amends the application to one based on §2(f). Applicant submits that the mark has acquired distinctiveness for applicant's goods in commerce, justifying registration of applicant's mark on the Principal Register.

A Declaration of Warren Wilson, Manager and Authorized Signatory of applicant is submitted in support of registration of applicant's mark under §2(f).

Dated: 09 December 2009

By 
Michael Blaine Brooks

MICHAEL BLAINE BROOKS, P.C.
P.O. Box 1630
Simi Valley, CA 93062-1630
P: 805.579.2500
F: 805.584.6427

Attorney for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application Serial No. TBD

Trademark: PRETZEL CRISPS

Filed: December 9, 2009

Owner: Princeton Vanguard, LLC

DECLARATION OF WARREN WILSON UNDER §2(f), 15 U.S.C. 1052(f)

I, WARREN WILSON, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom, state the following:

1. I am the Manager and co-founder of Princeton Vanguard, LLC ("Princeton Vanguard" or "Applicant"). Snack Factory LLC ("Snack Factory") is the exclusive licensee of Princeton Vanguard for all of Princeton Vanguard's trademark and service mark properties, including application Serial Nos. 77/470,249 and 77/505,420 and Registration 2,980,303 for PRETZEL CRISPS. As such, I am personally familiar with the facts set forth herein.

2. I have been involved in the snack food business for thirty years. During that time, my wife and I have started and built several snack food businesses. One of those businesses was later bought by Nabisco Brands Company; another was purchased by J&J Snack Foods.

3. Under its exclusive license with Applicant, Snack Factory manufactures and sells PRETZEL CRISPS crackers in packaging displaying the PRETZEL CRISPS trademark (the "Product").

4. Our objective in creating PRETZEL CRISPS crackers was to offer a new, distinctive snack food unlike any cracker previously available. We also wanted a package and name for the cracker that would stand out on store shelves as much as the cracker stands out in its category. As described below, my wife and I believe we have achieved these objectives. PRETZEL CRISPS crackers have been the most successful product that either my wife or I have created in our careers.

5. The PRETZEL CRISPS name has been used continuously for the Product since the Product first went on sale in October 2004. As such, the PRETZEL CRISPS name has been used in interstate commerce for more than five years.

6. PRETZEL CRISPS crackers have enjoyed tremendous success since their introduction in October 2004. In the three months that PRETZEL CRISPS crackers were on sale in 2004, factory sales amounted to \$95,000. Since then, the PRETZEL CRISPS brand has enjoyed tremendous success. For the full year 2005, factory sales of PRETZEL CRISPS crackers jumped to \$5,350,000. In 2006, factory sales reached \$24,840,000, a 364% increase over previous year sales. Factory sales climbed again to

\$41,900,000 in 2007, a 69% increase over sales in 2006. In 2008, sales reached a new high of about \$49,500,000.

7. In the brand's first four years, aggregate sales of PRETZEL CRISPS crackers thus amounted to more than \$120 million at the wholesale level. At the retail level, where PRETZEL CRISPS crackers are sold directly to consumers, retailers have enjoyed even more impressive sales, amounting to an estimated quarter billion dollars (\$250 million) of PRETZEL CRISPS crackers. PRETZEL CRISPS crackers are now sold through more than 550 wholesale customers, and reach consumers through more than 50,000 retail locations nationwide.

8. The public recognition of the PRETZEL CRISPS brand is not the result of these impressive sales alone. PRETZEL CRISPS crackers also have been backed by extensive consumer advertising and public relations campaigns. Snack Factory spent roughly \$4,400,000 on advertising and promoting PRETZEL CRISPS crackers in 2007 alone, including \$1,258,000 for direct advertising, \$1,993,000 for live in-store demonstrations at warehouse club stores and supermarkets, \$150,000 for free standing coupons delivered in Sunday newspapers, and \$987,000 for in-store promotions.

9. Similarly, in the period encompassing August 2008 through October 2009, Snack Factory spent another \$3.2 million, consisting of about \$1,825,000 for in-store demonstrations, \$490,000 for customer and broker samples and donations, and \$930,000 for print advertising.

10. The PRETZEL CRISPS brand name is prominently displayed in each advertisement for PRETZEL CRISPS crackers that appears in a publication. Exhibit 1 illustrates the prominence given to the PRETZEL CRISPS brand name in advertising.

11. As those advertisements show, the PRETZEL CRISPS trademark is also prominently displayed on the principal display panel of each flavor of PRETZEL CRISPS crackers.

12. Applicant has advertised PRETZEL CRISPS crackers in widely-circulated magazines, in both the general circulation and trade categories. In 2008, the advertising program resulted in total media circulation exceeding 85,000,000, with print advertising generating approximately 145 million impressions. Exhibit 2 lists a number of magazines in which Applicant has advertised PRETZEL CRISPS crackers, along with the number of different issues in which the advertisement appeared. The magazines include such well-known publications as *Bon Appetit*, *Rachael Ray*, *Architectural Digest*, *Gourmet*, *House & Garden*, *House Beautiful*, *This Old House*, *People*, and *Martha Stewart Living*.

13. In addition to general circulation magazines, Applicant advertised PRETZEL CRISPS crackers in publications that cover the snack food industry. Those advertisements include ads in *Confection and Snack Retailing* (May/June 2009), *Convenience and Petroleum Retailing* (Aug./Sept. 2007), *Convenience Store News* (October 2007 and March 2008), *C-Store on Campus* (March 2009), *Deli Business* (August/September 2007), *Fancy Food & Culinary Products* (July 2007), *Progressive Grocer* (January 2007), *School Nutrition Magazine* (June 2009) the *Shelby Report*

(December 2007), *Specialty Food Magazine* (July 2007 and January/February 2008), and *Total Foodservice*. The PRETZEL CRISPS trademark appears multiple times in each advertisement. *See Exhibit 3.*

14. Snack Factory also has pursued other initiatives to raise awareness of the PRETZEL CRISPS brand. For example, between August 2008 and October 2009, Snack Factory sold 4,421,000 bags of PRETZEL CRISPS crackers to the airline industry and sold another 4,500,000 million portions of PRETZEL CRISPS crackers in co-branded SABRA "Hummus To Go" cups. These sales helped promote the PRETZEL CRISPS brand and provided consumers with the opportunity to sample PRETZEL CRISPS crackers. Snack Factory also cross-promoted PRETZEL CRISPS crackers with LAUGHING COW cheese, and undertook sampling and coupon campaigns at public events, such as sporting events, airports, amusement parks, post offices on tax day (April 15th), and at the 2009 Presidential Inauguration in Washington, D.C. *See Exhibit 4.*

15. In addition to paid advertising, Applicant promotes PRETZEL CRISPS crackers at trade shows and expositions. These events provide Applicant with the opportunity to present the PRETZEL CRISPS brand to representatives of wholesale distributors and other outlets at which PRETZEL CRISPS crackers are or can be sold. For example, Applicant display PRETZEL CRISPS crackers at the International Dairy Deli Bakery Association, National Association for Specialty Food Trade, and other major trade shows. In 2009, Applicant attended 39 tradeshows in support of PRETZEL CRISPS crackers. *See Exhibit 5.*

16. Retailers carrying PRETZEL CRISPS crackers have also advertised PRETZEL CRISPS crackers through in-store displays and store advertisements and coupons. The PRETZEL CRISPS trademark appears in every advertisement that a store runs for PRETZEL CRISPS crackers. Among the stores that have placed advertisements for PRETZEL CRISPS crackers are K-Mart, Costco, BJ's, Sam's Club, A & P, Shop Rite, Winn-Dixie, Safeway, Whole Foods, Publix, Wegmans, Sav-On Drugs, HyVee Health Market, Bartell Drugs, Jungle Jims, Fresh Market, Dierbergs, and Aldi. *See* Exhibit 6.

17. Applicant's promotional and coupon programs have further promoted the PRETZEL CRISPS brand. For example, the coupon attached as Exhibit 7 has been distributed to over thirty-eight million (38,000,000) readers. Over the 2009 Thanksgiving holiday another major coupon campaign distributed roughly 25 million \$1 coupons for PRETZEL CRISPS crackers to consumers.

18. PRETZEL CRISPS crackers have enjoyed substantial media attention at no cost to Applicant, including on television shows, Internet websites, and in print publications. This media attention includes television appearances on the *Rachael Ray Show* (in which PRETZEL CRISPS crackers were twice highlighted as a "Snack of the Day" to a national audience of 7,391,940), *CBS Early Show* (national audience 1,361,308), *Good Morning America* (national audience 4,410,000), CNBC's *Mike On the Money*, NBC affiliate WMAQ *Chicago News at 6:00*, NBC 5 Chicago (metro audience 3,469,110), and *Unwrapped* on the Food Network (audience 3,620,000). PRETZEL CRISPS have also been featured in major print and web publications including

www.boston.com, which is the website of *The Boston Globe* (1,200,000 monthly web visitors), *Chicago Tribune* (circulation 465,892), www.latenightwithjimmyfallon.com, which is the blog of the *Late Night with Jimmy Fallon* show, NBC 5.com (audience 72,362), *New York Daily News* and www.nydailynews.com (circulation 718,174), *The Philadelphia Inquirer* and www.philly.com (circulation of 330,622 and 1,438,0607 monthly web visitors), and *Philadelphia Magazine* (circulation 115,865). PRETZEL CRISPS have also been featured in specialty and trade publications including *Baking & Snack* (circulation 11,557), *Candy & Snack Business* (circulation 5,000), *Convenience Store News* (circulation 76,956), *Diabetes Forecast*, *Fancy Food & Culinary Products* magazine (circulation 21,587), *Hungry Girl Newsletter* and www.hungry-girl.com (subscribers in excess of 500,000), *Kiwi Log* located at www.kiwimagonline.com, *Prepared Foods* (circulation 40,000), *Progressive Grocer* (circulation 39,398), *Snack Food & Wholesale Bakery* (circulation 14,143), *Stagnito's New Products Magazine* (circulation 40,000), the Supermarket Guru website (99,602 monthly visitors), and *US Foodlink*. See Exhibit 8.

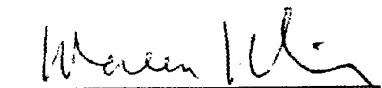
19. In addition, a variety of user-generated videos dedicated to PRETZEL CRISPS crackers are currently available on websites such as YouTube.com.

20. Applicant also has formed a fan club for PRETZEL CRISPS crackers, which to date has roughly 67,000 subscribers. Applicant also promotes PRETZEL CRISPS crackers through a website, www.pretzelcrisps.com, a blog, and a Twitter feed. See Exhibit 9.

21. Based upon the foregoing, I believe that the PRETZEL CRISPS trademark has acquired distinctiveness through its substantially exclusive and continuous use in commerce for Applicant's goods since October, 2004 until the date of this Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Princeton, New Jersey on December 8, 2009.



Warren Wilson
Manager and Co-founder
Princeton Vanguard, LLC

Celebrate Crunch.



**Look for the distinct shape.
Enjoy the irresistible crunch.**

Gather with your family and friends this holiday season and rejoice in the irresistibly, delicious taste of PRETZEL CRISPS®. Made with all natural pretzels, we've removed the middle to create the world's first spreadable, incredible, crunchable, baked pretzel cracker. With 0g Trans Fat, 0g Saturated Fat, 0g Cholesterol, and only 110 calories per serving, PRETZEL CRISPS® are the perfect party indulgence for all your entertaining needs.

Irresistibly crunchy. Naturally thin. Deliciously gourmet.™



**IT'S ALL
ABOUT THE
CRUNCH.**
www.pretzelcrisps.com